

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2021, Legislative Day No. 9

Bill No. 48-21

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Mr. Julian E. Jones, Jr., Chairman  
By Request of County Executive

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By the County Council, May 3, 2021

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A BILL  
ENTITLED

AN ACT concerning

Employees' Retirement System

FOR the purpose of clarifying creditable service eligibility dates; clarifying service credit for military service; altering certain termination benefits for certain sheriff's deputies; altering the retirement benefits for certain sworn Baltimore County police officers; adding Deputy Sheriff First Class as a member of Group 3 for a certain service retirement allowance calculation; correcting an allowance calculation for correctional officers and certain sheriff's deputies in the Deferred Retirement Option Program; providing for retroactive effect for portions of this Act; providing for the effective date of this Act; and generally relating to the Employees' Retirement System

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Sections 5-1-206(b) 5-1-219(a), 5-1-230(b), 5-1-231(a)(7) and (d)(2)(iv), and 5-1-305(i)  
Article 5 – Pensions and Retirement  
Title 1 – Employee Retirement System  
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

## ARTICLE 5 – PENSIONS AND RETIREMENT

### Title 1 – Employee Retirement System

#### Subtitle 2 – Retirement System

§ 5-1-206. Same—Member Entering Armed Services; Military Service Credit.

(b) Notwithstanding any other provision of this section, credit for military service shall be granted to any member who has not met the conditions set forth in this section, upon the attainment by that member of five (5) years of creditable service FOR A MEMBER WHO BEGAN SERVICE ON OR BEFORE JUNE 30, 2007 or ten (10) years of creditable service for a member who began service ON OR after July 1, 2007, provided that the service credit so granted shall not exceed four (4) years. No such service credit shall be granted to a member if the member has received credit for a period of military service under any other retirement system for which retirement benefits have been or will be received by the member; provided that this exclusion shall not apply to any credit provided through old-age or survivors insurance benefits under the Social Security Law, MILITARY RETIRED PAY BENEFITS or the Railroad

1 Retirement Act. Upon the member's attainment of five (5) years of creditable service FOR A  
2 MEMBER WHO BEGAN SERVICE ON OR BEFORE JUNE 30, 2007 or ten (10) years of  
3 creditable service for a member who began service after July 1, 2007, any current member of the  
4 system who, prior to attaining five (5) or ten (10) years, as applicable, of creditable service, had  
5 made up the member's contributions for the period of the member's service in the armed forces  
6 pursuant to the provisions of this section shall, within sixty (60) days of that date or the date on  
7 which the member first completes five (5) or ten (10) years, as applicable, of creditable service,  
8 whichever is later, receive a refund of said contributions, with interest thereon at a rate to be set  
9 by the Board of Trustees for the period from the date the make-up payment was made or the date  
10 the employee first completes five (5) or ten (10) years, as applicable, of creditable service, as  
11 applicable. The county shall make all necessary contributions to the pension accumulation fund  
12 for the funding of military service credit upon the attainment of five (5) or ten (10) years, as  
13 applicable, of creditable service by any member so entitled to the credit.

14  
15 § 5-1-219. Same—Sworn Members Of The Sheriff's Office.

16 (a) For purposes of this section, the term "member" means a Group 3 member who is  
17 classified in the County Classification and Compensation Plan as a Deputy Sheriff, DEPUTY  
18 SHERIFF FIRST CLASS, Deputy, Sheriff Sergeant, Deputy Sheriff Lieutenant, Deputy Sheriff  
19 Captain, or Chief Deputy Sheriff.

20  
21 § 5-1-230. Return of Accumulated Contributions and Termination Benefit.

22 (b) (1) This subsection applies to a member who begins service on or after July 1,  
23 2007.

1                   (2)     (I) Should a member cease to be an employee except by death or by  
2 retirement under the provisions of this subtitle, the member shall be paid the amount of the  
3 member's accumulated contributions.

4                   (II) Anything in this subtitle to the contrary notwithstanding, any current  
5 member who has completed ten (10) or more years of creditable service at the time the member's  
6 service is terminated or any member who has completed at least one (1) four-year term as the  
7 County Executive may elect to receive, in lieu of the return of the member's accumulated  
8 contributions, a deferred retirement allowance to commence at the age of sixty-seven (67) if the  
9 member is a member in Group 3 and at the age of sixty (60) if the member is a member in Group  
10 4, which shall consist of an annuity provided by the member's accumulated contributions with  
11 interest to attainment of said commencement age and a pension equal to the pension computed in  
12 accordance with § 5-1-214 of this subtitle on the basis of the member's creditable service and  
13 average final compensation at the date the member's service is terminated.

14                   (III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
15 SUBTITLE, A GROUP 3 MEMBER WHO IS CLASSIFIED IN THE COUNTY  
16 CLASSIFICATION AND COMPENSATION PLAN AS A DEPUTY SHERIFF, DEPUTY  
17 SHERIFF FIRST CLASS, DEPUTY SHERIFF SERGEANT, DEPUTY SHERIFF  
18 LIEUTENANT, DEPUTY SHERIFF CAPTAIN, OR CHIEF DEPUTY SHERIFF WHOSE  
19 SERVICE IS TERMINATED ON OR AFTER JULY 1, 2020 AND WHO HAS COMPLETED  
20 TEN (10) OR MORE YEARS OF CREDITABLE SERVICE MAY ELECT TO RECEIVE, IN  
21 LIEU OF THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, A  
22 DEFERRED RETIREMENT ALLOWANCE TO COMMENCE AT THE AGE OF SIXTY-  
23 TWO (62), WHICH SHALL CONSIST OF AN ANNUITY PROVIDED BY THE MEMBER'S

1 ACCUMULATED CONTRIBUTIONS WITH INTEREST TO ATTAINMENT OF SAID  
2 COMMENCEMENT AGE AND A PENSION EQUAL TO THE PENSION COMPUTED IN  
3 ACCORDANCE WITH § 5-1-214 OF THIS SUBTITLE ON THE BASIS OF THE MEMBER'S  
4 CREDITABLE SERVICE AND AVERAGE FINAL COMPENSATION AT THE DATE THE  
5 MEMBER'S SERVICE IS TERMINATED.

6  
7 § 5-1-231. Optional Allowances.

8 (a) (7) Subject to subsection (d) of this section, an employee who has completed at  
9 least twenty-five (25) years of actual service as a sworn Baltimore County police officer, at least  
10 twenty-five (25) years of actual service as a sworn Baltimore County firefighter, or any  
11 combination of actual service as a sworn Baltimore County police officer and Baltimore County  
12 firefighter equaling twenty-five (25) years of actual service, OR BEGINNING ON JULY 1,  
13 2021, A SWORN BALTIMORE COUNTY POLICE OFFICER ON PAY SCHEDULE IV  
14 WHO HAS COMPLETED AT LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE  
15 SERVICE, may retire with the option of having fifty (50) percent of the retired member's  
16 retirement allowance continued throughout the life of and paid to the original beneficiary upon  
17 the retired member's death. This option shall be provided at no cost to the employee.

18 (d) (2) (iv) "Employee" means a:

19 1. Sworn Baltimore County Police Officer in active service on pay  
20 schedule IV or VII who has completed at least twenty-five (25) years of actual service as a sworn  
21 member of the Baltimore County Police Department;

22 2. Sworn Baltimore County Firefighter in active service on pay  
23 schedule V or VIII who has completed at least twenty-five(25) years of actual service as a sworn

1 member of the Baltimore County Fire Department; [or]

2 3. BEGINNING ON JULY 1, 2021, A SWORN BALTIMORE  
3 COUNTY POLICE OFFICER ON PAY SCHEDULE IV WHO HAS COMPLETED AT  
4 LEAST TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE AS DEFINED IN § 5-1-  
5 201(I) OF THIS SUBTITLE; OR

6 [3.] 4. Any combination of items 1 and 2 of this subparagraph  
7 equaling twenty-five (25) years of actual service.

8  
9 Subtitle 3 – Deferred Retirement Option Program

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11 § 5-1-305. Deferred Retirement Option Program — Correctional Officers and Deputy Sheriffs.

12 (i) Notwithstanding any other provision of THE law, the DROP allowance shall be 64%  
13 of the member's average final compensation for 24 years DROP service plus 2% for each full  
14 year of DROP service over 24 years AND FOR A MEMBER WHO RETIRES ON OR AFTER  
15 JULY 1, 2020 3% FOR EACH YEAR OF DROP SERVICE OVER 25 YEARS.

16  
17 SECTION 2. AND BE IT FURTHER ENACTED, that the Sections 5-1-2019(a), 5-1-  
18 230(b), and 5-1-305(i) of this Act, having passed by the affirmative vote of five members of the  
19 County Council shall apply retroactively to July 1, 2020.

20  
21 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
22 the affirmative vote of five members of the County Council, shall take effect on July 1, 2021.